IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18356 of 2004

Between:

Nathi Veera Swamy, S/o.Sathaiah,
R/o.Godavari Khani, Owner of Mulgies bearing Nos.16-2-293
to 16-2-298 situated at Ward No.17,
Godavari Kani, Ramagundam Municipality, Karimnagar Dist.

..... PETITIONER

AND

1 The Municipal Council, Ramagundam rep.by its Commissioner,

Ramgundam Municipality, Karimnagar Dist.
2 The Chairman, Ramgundam Municipal Council, Ramagundam,

Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of Mandamus directing the respondents herein neither to dispossess nor to demolish the petitioners mulgies bearing Nos.16-2-293 to 16-2-298 situated at ward No.17, Godavari Khani with in the municipal limits Ramagundam Municipality, Ramagundam, Karimnagar District under the guise of widening of Mader Basti Road without following due procedure under law i.e., without issuing notice, without causing any enquiry and without initiating any proceedings under Land Acquisition Act for payment of compensation or payment of damages by duly declaring the action of the respondents in taking steps i.e., marking the buildings for purpose of demolition in the guise of road widening without following any due procedure under law as illegal, arbitrary and

contrary to the well settled principles of law laid down by this Court.
Counsel for the Petitioner : Mr.V.RAVI KIRAN RAO
Counsel for Respondents : Mr.R.TIMMA REDDY

The Court at the admission stage, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for Respondent, and both of them agreed for disposal of the writ petition finally at the stage of admission.

The petitioner claims to be owner of six mulgi bearing Nos.
16-2-293 to 16-2-298 situated at Ward No.17, Godavarikhani within municipal limits of Ramagundam Municipality, Karimnagar district. It is stated that the respondents without following due procedure under law and without initiating proceedings under Land Acquisition, are trying to demolish his mulgies for road widening purpose.

It is well settled by catena of judgments of this Court, that if the property of a citizen is required for public purposes, the authorities should follow the due procedure contemplated under law for acquisition of the said property by putting the citizen on notice of the action proposed, if any. In view of the same, the respondents are under obligation to follow the due process of law for taking possession of the property or demolishing the structures. If the owners of the property decline to give consent for widening of the road, the respondents have to follow the procedure contemplated under the Land Acquisition Act for acquiring the property. Without following the same, no citizen can be deprived of the property nor any demolition can be resorted to.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 8.10.2004

NOTE:

C.C. BY MONDAY

B/O

DA

To

1 The Commisioner, Municipal Council, Ramgundam Municipality,

Karimnagar Dist.

2 The Chairman, Ramgundam Municipal Council, Ramagundam,

Karimnagar Dist.

3 Two CD copies.